

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

DOMINGO LEYVA

Claimant

VS.

MONFORT, INC.

Respondent

Self-Insured

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)
) Docket Nos. 187,241 & 189,730
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ORDER

Respondent appeals from a February 6, 1996 Order for Independent Medical Examination entered by Administrative Law Judge Jon L. Frobish.

ISSUES

Respondent, in its Application for Review by the Workers' Compensation Appeals Board, presents the following issues:

- (1) Whether the Administrative Law Judge erred in ordering the independent medical examination pursuant to K.S.A. 44-516 and whether he erred in ordering Dr. Veenis to provide the court with work restrictions.
- (2) Whether the Administrative Law Judge erred in requiring the parties' attorneys to sign a joint letter and forbidding ex parte communications with the physician.
- (3) Whether the Administrative Law Judge erred in ordering the respondent to pay all costs for the independent medical examination.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record and considering the arguments of the parties, the Appeals Board finds that the issues raised are interlocutory in nature and are not subject to review at this time. The appeal should therefore be dismissed.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order for Independent Medical Examination of Administrative Law Judge Jon L. Frobish dated February 6, 1996 remains in effect as entered. The appeal filed from that Order is dismissed.

IT IS SO ORDERED.

Dated this ____ day of April 1996.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Stanley R. Ausemus, Emporia, KS
Terry J. Malone, Dodge City, KS
Jon L. Frobish, Administrative Law Judge
Philip S. Harness, Director